

REMARKS

This Reply and Amendment is intended to be completely responsive to the final Office Action dated September 21, 2011.

Status

Claims 1-58 are pending in this Application. Claims 33 and 35-57 are currently withdrawn from consideration and Claims 1-32, 34 and 58 currently stand rejected.

Independent Claim 58 and Dependent Claims 2, 5-16 have been canceled without prejudice to further prosecution on the merits.

Upon entry of this Amendment, independent Claim 1 will be amended in a manner that the Applicants believe has overcome the objections and rejections.

The Applicants believe the rejections and objections raised by the Examiner have been overcome and the Application is in condition for allowance. Entry of the Amendment and reconsideration and allowance of pending Claims 1, 3, 4, 17-32 and 34 is respectfully requested.

Claim Rejections – 35 U.S.C. § 112 ¶ 2

In section 5 of the Detailed Action, the Examiner rejected Claims 1, 3, 4, 27-32 and 34 under 35 U.S.C. § 112 ¶ 2 as being indefinite because the term “highly.” The Applicants have amended Claim 1 to delete the term “highly.” The Applications respectfully request entry of the amendment and withdrawal of the objection.

Claim Rejections – 35 U.S.C. § 103(a)

In Sections 8 and 9 of the Detailed Action, the Examiner rejected Claims 1, 2, 7, 34 and 58 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Application Publication No. 2002/0071336 (“Smith et al.”) in view of U.S. Patent Application Publication No. 2005/0042976 (“Ronay”), and WO 01/26871 (“Rodgers”).

The Applicants respectfully submit that Smith et al. discloses only that the “interior coating can be formed from flexible, abrasion-resistant material such as polyurea, elastomeric urethanes, modified and hybrid epoxies that are glass plates reinforced, modified and hybrid epoxies containing polytetrafluoroethylene type fillers and ceramic epoxy coating systems” (paragraph 0006) and “polyurea, elastomeric urethanes, modified or hybrid epoxies containing glass flakes or polytetrafluoroethylene type fillers (such as Teflon.®) and ceramic epoxy coatings” (paragraph 0037). Further, Rodgers teaches only a drum formed by segments that are non-helical.

Independent Claim 1 has now been amended to more particularly recite subject matter that the Applicant believes is patentable in view of the cited references. Claim 1 (as amended) is directed to a “rotary concrete mixing drum ” and recites a combination of subject matter including (among others) “a first helical wall element and a second helical wall element joined to the first helical wall element along a helical seam, the first helical wall element and the second helical wall element forming a substantially continuous common wall having an interior surface circumferentially extending about a longitudinal axis to form an interior of the drum” and that “the polymer includes polyurethane, and the slip agent is a polytetrafluoroethylene powder configured to be held firmly in place so as not to substantially migrate within the polymer and having a weight percentage of at least 2% and no greater than 5% of the infused polymer along the surface, or a polyalpha olefin fluid having a branched structure configured so as not to significantly migrate within the polymer and having a weight percentage of at least 2% and no greater than 5% of the infused polymer along the surface.” A “rotary concrete mixing drum” having the features as now recited in Claim 1 (as amended) is not disclosed, taught, or suggested by Smith et al., Ronay or Rodgers, alone or in any proper combination.

The Applicant respectfully submits that the rejection of Claim 1 (as amended) has been overcome and that Claim 1 (as amended) is patentable under 35 U.S.C. § 103(a). The Applicant respectfully requests entry of the Amendment and withdrawal of the rejection and reconsideration and allowance of Claim 1 (as amended) and dependent Claims 3, 4, 17-32 and 34, as they depend from independent Claim 1.

* * *

The Applicants submit that each and every outstanding objection and rejection to the pending claims has been overcome, and the Application is now in condition for allowance. Independent Claim 1 has been amended to more particularly recite subject matter that the Applicant respectfully submits is patentable in view of the cited references. The Applicant respectfully requests entry of the Amendment and reconsideration and allowance of Claims 1, 3, 4, 17-32 and 34.

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The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by the credit card payment instructions in EFS-Web being incorrect or absent, resulting in a rejected or incorrect credit card transaction, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of

papers submitted herewith, the Applicants hereby petition for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extension fees to Deposit Account No. 19-0741.

Respectfully submitted,

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